

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

TYLER DIVISION

UNITED STATES OF AMERICA

V.

RONALDO FLORES

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NO. 6:24mj117
(Judge Mitchell)

**DEFENDANT'S SUPERSEDING MOTION FOR PSYCHOLOGICAL/ PSYCHIATRIC
EXAMINATION TO DETERMINE COMPETENCY OF DEFENDANT**

TO THE HONORABLE K. NICOLE MITCHELL, UNITED STATES MAGISTRATE JUDGE
FOR THE EASTERN DISTRICT OF TEXAS:

COMES NOW the Attorney of Record for the Defendant, RONALDO FLORES, and files
this, his *Superseding Motion for Psychological / Psychiatric Examination* to determine the
Competency of the Defendant pursuant to Title 18 U.S.C. §4241(a) and (b), pursuant to the
guidance of 18 U.S.C. §4247 and would show this Honorable Court as follows, to-wit:

I.

PROCEDURAL HISTORY

1. On May 2, 2024 a criminal complaint was filed against RONALDO FLORES. The charges against the Defendant include 18 U.S.C. §875(c) Interstate communication of threats.
2. On May 6, 2024 RONALDO FLORES was arrested on the criminal complaint.
3. On May 7, 2024 an Arraignment and Initial Appearance was held before Magistrate K. Nicole Mitchell.
4. On May 7, 2024 this office was appointed to represent the Defendant.
5. A hearing to address the previously filed Motion for examination was held May 13, 2024.

II.

GROUND FOR MOTION

Defendant's counsel requests that a psychological examination of Defendant be conducted pursuant to 18 U.S.C. §4241et seq. Counsel for Defendant would request that the examination be conducted by the Bureau of Prisons at a federal medical facility, for any necessary period, up to and including 30 days, plus any extensions to that time-period requested by the director of the facility to which the Defendant is committed.

Specifically, counsel for the Defendant would request this examination to determine whether the Defendant is possessed of a mental illness that would and is affecting his competence to stand trial in this matter, as the term is defined under law, including whether he has sufficient ability to understand the nature and substance of the proceedings as well as whether he has the present ability to provide meaningful assistance to counsel toward his own defense.

From information received from counsel's personal observations during two separate meetings with the Defendant since Counsel's representation began on May 7th, 2024, and from information gathered from at least one other individual with firsthand knowledge of the Defendant, the undersigned has just cause to believe that the Defendant is presently suffering from a mental disease or defect rendering him incompetent to the extent that he either (1) cannot sufficiently understand the nature or consequences of the proceedings against him or (2) he is unable to provide meaningful assistance to counsel toward his own defense.

Defendant's counsel understands that this motion tolls any speedy trial time from pursuant to Title 18 U.S.C. §3161(h)(4) and (7)(A) and the Defendant, through counsel, consents to the tolling pending resolution of the competency question.

To correct a clerical error, the Defendant now files this Superseding Motion.

WHEREFORE, PREMISES CONSIDERED, the Defendant, RONALDO FLORES prays the Court issue an order commanding a psychological and / or psychiatric evaluation of the Defendant be conducted by the Bureau of Prisons, at a Unit suited for such evaluations, to determine the Defendant's present mental competence to stand trial. Specifically, Defendant RONALDO FLORES would request that the examination be conducted to determine his present competency to stand trial and, as of the time of the filing of this Motion, NOT to evaluate or determine the Defendant's sanity at the time of the alleged offense.

Respectfully submitted,

/s/ Kenneth R. Hawk, II
KENNETH R. HAWK, II
Assistant Federal Defender
Eastern District of Texas
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(903) 531-9233
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Texas Bar Number: 09243650

CERTIFICATE OF CONFERENCE

Counsel for Defendant consulted with lead counsel on this case, Assistant United States Attorney DAN RYAN LOCKER, regarding the *Superseding Motion for Psychological / Psychiatric Examination*, and she has no objection to the Court granting the motion.

/s/ Kenneth R. Hawk, II
KENNETH R. HAWK, II
Attorney for Defendant

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CERTIFICATE OF SERVICE

I hereby certify that on May 13, 2024, I electronically filed the foregoing with the Clerk of the District Court using the CM/ECF system, which sent notification of such filing to the following:

Ryan Locker
Email: ryan.locker@usdoj.gov

Respectfully submitted,

/s/ Kenneth R. Hawk, II
KENNETH R. HAWK, II
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